

SENATE BILL NO. 247—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 9, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to regional planning.
(BDR 22-684)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to regional planning; eliminating, in certain counties, the requirement for a regional transportation commission and a local air pollution control board to consult with a regional planning coalition on certain plans, policies and programs and conduct certain hearings; authorizing, rather than requiring, the establishment of a regional planning coalition in certain counties; revising the authority, powers and duties of such a regional planning coalition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners and the city council of each of at least the three largest cities in a county whose population is 700,000 or more (currently only Clark County) to establish a regional planning coalition by cooperative agreement. (NRS 278.02514) **Section 2** of this bill provides instead that such board of county commissioners and city councils may establish a regional planning coalition by cooperative agreement.

Existing law requires the regional planning coalition in a county whose population is 700,000 or more (currently only Clark County) to develop a comprehensive regional policy plan and sets forth certain requirements for the development of such plan. (NRS 278.02528) **Section 3** of this bill provides that these provisions apply if the regional planning coalition is established.

Existing law requires a planning commission or governing body that is required to prepare and adopt a master plan to develop and include in that plan an aboveground utility plan, which must, in a county whose population is 700,000 or more (currently only Clark County), conform with the comprehensive regional policy plan. (NRS 278.165) **Section 13** of this bill provides that the aboveground utility plan must conform with the comprehensive regional policy plan if the regional planning coalition develops a comprehensive regional policy plan.



Existing law requires the regional planning coalition in a county whose population is 700,000 or more (currently only Clark County) to study and develop methods to provide incentives for certain types of development. (NRS 278.02535) **Section 4** of this bill provides that these provisions apply if the regional planning coalition is established.

Existing law authorizes the regional planning coalition in a county whose population is 700,000 or more (currently only Clark County) to: (1) coordinate sources of information; (2) recommend measures to increase the efficiency of governmental entities and services; (3) make recommendations regarding the disposal of federal land; (4) establish methods for resolving issues related to annexation, boundaries and other matters that arise between jurisdictions; (5) at least every 5 years review certain plans; (6) develop and recommend, to the extent practicable, standardized classifications for land use; (7) consider and take necessary action with respect to certain issues; (8) review, consider and make recommendations regarding applications to the Federal Government and applications for certain federal assistance; and (9) designate allowable future land uses for each part of the county. (NRS 278.02542) **Section 5** of this bill provides that these provisions apply if the regional planning coalition is established.

Existing law requires, in a county whose population is 700,000 or more (currently only Clark County) each governing body, regional agency, state agency or public utility that is located in whole or in part within the region to, at least every 5 years, submit to the regional planning coalition for its review all master plans, facilities plans and other similar plans. (NRS 278.02549) **Section 6** of this bill provides instead that if the regional planning coalition is established, the coalition may require each governing body that is located in whole or in part within the region to submit to the coalition for its review all master plans, facilities plans and other similar plans.

Existing law prohibits, with certain exceptions, in a county whose population is 700,000 or more (currently only Clark County), a governing body, regional agency, state agency or public utility that is located in whole or in part within the region from adopting a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. (NRS 278.02556) **Section 7** of this bill provides instead that, if a such a regional planning coalition is established and such coalition requires a governing body that is located in whole or in part within the region to submit a master plan, facilities plan or similar plan to the coalition, the governing body is prohibited from adopting such plan or an amendment thereto unless the coalition has been afforded the opportunity to make recommendations.

Existing law requires the regional planning coalition in a county whose population is 700,000 or more (currently only Clark County) to annually prepare, adopt and submit a budget to the local governments in the region. (NRS 278.02563) **Section 8** of this bill provides that this requirement applies if the regional planning coalition is established.

Existing law authorizes the regional planning coalition in a county whose population is 700,000 or more (currently only Clark County) to employ persons or contract for certain services. (NRS 278.0257) **Section 9** of this bill provides that this authority applies if the regional planning coalition is established.

Existing law requires, at least every 5 years, the regional planning coalition in a county whose population is 700,000 or more (currently only Clark County) to review plans of public entities for conformance with the comprehensive regional policy plan and sets forth a procedure if the coalition determines that the plans of public entities are in conformance or nonconformance. (NRS 278.02577) **Section 10** of this bill provides instead that the regional planning coalition reviews such plans if the coalition has been established. **Section 10** further eliminates the



existing procedures for the regional planning coalition to review such plans and instead authorizes a coalition to establish policies, rules and procedures to carry out the review of such plans.

Existing law requires, in a county whose population is 700,000 or more (currently only Clark County), the regional transportation commission, regional planning coalition and the local air pollution control board to consult with each other to ensure that certain plans, policies and programs are consistent to the greatest extent possible. (NRS 277A.350, 278.02584, 445B.503) **Sections 1 and 14** of this bill eliminate: (1) the requirement for the regional transportation commission and local air pollution control board to consult with the regional planning coalition on such plans, policies and programs; and (2) the requirement for the regional transportation commission and local air pollution control board to conduct hearings to solicit certain public comment. **Section 11** of this bill provides that if a regional planning coalition is established, the coalition shall ensure that such plans, policies and programs are consistent to the extent practicable with the plans, policies and programs adopted by the local air pollution control board and the regional transportation commission in the county in which it is located.

Existing law requires, in a county whose population is 700,000 or more (currently only Clark County), the governing body of a city or county to establish an analysis of the cost to construct infrastructure in an area which is undeveloped land and which is likely to become developed. (NRS 278.02591) **Section 12** of this bill eliminates the requirement that the governing body provide copies of the analysis to the regional planning coalition for review and information.

Existing law requires, in a county whose population is 700,000 or more (currently only Clark County): (1) the regional transportation commission to designate on or before December 31, 2009, and December 21, 2011, a certain number of locations at which a bus turnout must be constructed; and (2) the construction of bus turnouts at such locations not later than December 31, 2012, and December 31, 2014, respectively. (NRS 278.02587) **Section 15** of this bill repeals this obsolete provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 277A.350 is hereby amended to read as follows:

277A.350 1. In a county whose population is 700,000 or more, the commission shall cooperate with the local air pollution control board ~~and the regional planning coalition~~ in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, the commission must ~~consult~~

~~—(a) Consult~~ **consult** with the local air pollution control board .
~~and the regional planning coalition; and~~



~~—(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:~~

~~——(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional planning coalition; and~~

~~——(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.]~~

3. As used in this section ~~†~~:

~~—(a) “Local”~~, “*local*” air pollution control board” means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

~~†(b) “Regional planning coalition” has the meaning ascribed to it in NRS 278.0172.]~~

Sec. 2. NRS 278.02514 is hereby amended to read as follows:

278.02514 In a county whose population is 700,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county ~~†shall~~ *may* establish a regional planning coalition by cooperative agreement pursuant to chapter 277 of NRS.

Sec. 3. NRS 278.02528 is hereby amended to read as follows:

278.02528 1. ~~†The~~ *If established pursuant to NRS 278.02514, the* regional planning coalition ~~†shall~~ *may* develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.

2. In developing the plan, the coalition ~~†~~ *may*:

(a) ~~†May consult~~ *Consult* with other entities that are interested or involved in regional planning within the county.

(b) ~~†Shall ensure that the comprehensive regional policy plan includes~~ *Include* goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, standardized projections for population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region, and that the plan addresses, if applicable:

(I) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and



(II) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation.

(4) Transportation.

(5) The efficient provision of public facilities and services, including, without limitation, roads, water and sewer service, police and fire protection, mass transit, libraries and parks.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersions of new housing and businesses in established neighborhoods;

(II) The preservation of historic neighborhoods; and

(III) Development in areas in which public services are available.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:

(a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

(b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to NRS 278.02514.

4. The regional planning coalition may designate the regional transportation commission to administer the comprehensive regional policy plan.

Sec. 4. NRS 278.02535 is hereby amended to read as follows:

278.02535 1. ~~The~~ *If established pursuant to NRS 278.02514, the* regional planning coalition ~~shall~~ *may* study and develop methods to provide incentives for:

(a) The interspersions of new housing and businesses in established neighborhoods, including, without limitation, the:

(1) Creation of an expedited process for granting necessary permits for a development that features such interspersions; and

(2) Imposition of a fee for the extension of infrastructure to encourage such interspersions.

(b) Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this paragraph, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

(c) Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other governmental entities.



2. As used in this section, “infrastructure” means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 5. NRS 278.02542 is hereby amended to read as follows:

278.02542 1. ~~{The}~~ *If established pursuant to NRS 278.02514, the* regional planning coalition may:

(a) Coordinate sources of information.

(b) Recommend measures to increase the efficiency of governmental entities and services.

(c) Make recommendations regarding the disposal of federal land.

(d) Establish methods for resolving issues related to annexation, boundaries and other matters that arise between jurisdictions.

(e) ~~{At least every 5 years, review:}~~ *Review:*

(1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body ~~{, regional agency, state agency or public utility}~~ that is located in whole or in part within the region; and

(2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226.

(f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region.

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance.

(h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally assisted programs or projects.

(i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a determination of whether there is sufficient land in the proximity of a residential development to meet projected needs for public schools.

2. ~~{The}~~ *If established pursuant to NRS 278.02514, the* regional planning coalition ~~{shall}~~ *may* establish a definition for the



term “project of regional significance.” In establishing the definition, the regional planning coalition ~~{shall}~~ **may** consider:

(a) Existing definitions of the term within the Nevada Revised Statutes; and

(b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, paleontological, cultural, scenic and natural resources, public facilities, including, without limitation, schools, and public services within the region.

Sec. 6. NRS 278.02549 is hereby amended to read as follows:

278.02549 *If a regional planning coalition established pursuant to NRS 278.02514 adopts a comprehensive regional policy plan pursuant to NRS 278.02528:*

1. ~~{Each}~~ *The regional planning coalition may require each governing body ~~[, regional agency, state agency or public utility]~~ that is located in whole or in part within the region ~~{shall, at least every 5 years,}~~ to submit to the regional planning coalition for its review all master plans, facilities plans and other similar plans of the governing body . ~~[, regional agency, state agency or public utility.]~~*

2. Each regional agency and state agency that is located in whole or in part within the region shall, to the extent practicable, ensure that all its master plans, facilities plans and other similar plans and decisions pertaining to the use of land are consistent with ~~{:~~

~~—(a) The~~ *the* comprehensive regional policy plan developed and adopted by the regional planning coalition pursuant to NRS 278.02528 ~~{; and~~

~~—(b) The master plans, facilities plans and other similar plans of a city or county which have been certified by the regional planning coalition pursuant to subsection 4 of NRS 278.02577 as being in substantial conformance with the comprehensive regional policy plan., if applicable.~~

Sec. 7. NRS 278.02556 is hereby amended to read as follows:

278.02556 Except as otherwise provided in this section, *if a regional planning coalition is established pursuant to NRS 278.02514 and the regional planning coalition requires a governing body of a city or county that is located within the region to submit a master plan, facilities plan or other similar plan pursuant to NRS 278.02549, the* governing body ~~[, regional agency, state agency or public utility that is located in whole or in part within the region]~~ shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, ~~{after March 1, 2001,}~~ unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body ~~[, regional agency, state agency or~~



~~public-utility~~ may adopt an amendment to a land use plan described in NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

Sec. 8. NRS 278.02563 is hereby amended to read as follows:

278.02563 ~~{The}~~ *If established pursuant to NRS 278.02514, the* regional planning coalition shall, on or before July 1 of each year, prepare and adopt a budget for the immediately succeeding fiscal year and shall submit that budget to each of the local governments within the region as a recommendation for funding.

Sec. 9. NRS 278.0257 is hereby amended to read as follows:

278.0257 ~~{The}~~ *If established pursuant to NRS 278.02514, the* regional planning coalition may employ persons or contract for services necessary to carry out:

1. The provisions of NRS 278.02528 to 278.02577, inclusive; and

2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to NRS 278.02514.

Sec. 10. NRS 278.02577 is hereby amended to read as follows:

278.02577 1. ~~{At least every 5 years,}~~ *If established pursuant to NRS 278.02514,* the regional planning coalition ~~{shall}~~ *may* review the master plans, facilities plans and other similar plans that it receives pursuant to NRS 278.02549, and determine whether those plans are in substantial conformance with the comprehensive regional policy plan.

2. ~~{If the}~~ *The* regional planning coalition ~~{determines that a plan reviewed pursuant to subsection 1 is not in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall return the plan to the submitting entity accompanied by recommendations regarding the manner in which the submitting entity may bring the plan into substantial conformance with the comprehensive regional policy plan.~~

~~—3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:~~

~~—(a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or~~

~~—(b) Reasons of the submitting entity for not bringing the plan into substantial conformance.~~



1 —4. If the regional planning coalition determines that all the
2 plans that a city or county is required to submit pursuant to NRS
3 278.02549 are in substantial conformance with the comprehensive
4 regional policy plan, the regional planning coalition shall issue to
5 the city or county a certificate or other indicia of that determination.
6 Upon receipt of such a certificate or other indicia, the city or county,
7 until the next time the regional planning coalition reviews the plans
8 of the city or county pursuant to subsection 1, is entitled to establish
9 ~~its own~~ **may establish** policies, **rules** and procedures ~~{with respect~~
10 ~~to regional planning, to the extent that those policies and procedures~~
11 ~~do not conflict with federal or state law.}~~ **to carry out the review of**
12 **master plans, facilities plans and other similar plans.**

13 ~~{5.}~~ 3. The regional planning coalition may, within the limits of
14 legislative appropriations and other available money, provide grants
15 to a city or county ~~{if the regional planning coalition has issued to~~
16 ~~the city or county a certificate or other indicia pursuant to subsection~~
17 ~~4 of the determination of the regional planning coalition that all the~~
18 ~~plans that the city or county is required to submit pursuant to NRS~~
19 ~~278.02549 are in substantial conformance with the comprehensive~~
20 ~~regional policy plan.}~~ **if the master plan, facilities plan or other**
21 **similar plan of the city or county, as applicable, is in substantial**
22 **conformance with the comprehensive regional policy plan**
23 **developed pursuant to NRS 278.02528, if any.** Grants provided to a
24 city or county pursuant to this subsection must be expended by the
25 city or county only to pay the costs of establishing, maintaining and
26 carrying out programs related to land use planning.

27 **Sec. 11.** NRS 278.02584 is hereby amended to read as
28 follows:

29 278.02584 1. ~~{The}~~ **If established pursuant to NRS**
30 **278.02514, the** regional planning coalition shall : ~~{cooperate with~~
31 ~~the local air pollution control board and the regional transportation~~
32 ~~commission in the county in which it is located to:}~~

33 (a) Ensure that the plans, policies and programs ~~{adopted by~~
34 ~~each of them}~~ are consistent, to the greatest extent practicable ~~{}~~ ,
35 **with the plans, policies and programs adopted by the local air**
36 **pollution control board and the regional transportation**
37 **commission in the county in which it is located.**

38 (b) In addition to the **development of a** comprehensive regional
39 policy plan ~~{required by}~~ **pursuant to** NRS 278.02528, **if applicable,**
40 establish and carry out a program of integrated, long-range planning
41 that conserves the economic, financial and natural resources of the
42 region and supports a common vision of desired future conditions.

43 2. Before adopting or amending a plan, policy or program, the
44 regional planning coalition shall ~~{}~~



1 ~~—(a) Consult~~ **consult** with the local air pollution control board
2 and the regional transportation commission. ~~}; and~~

3 ~~—(b) Conduct hearings to solicit public comment on the~~
4 ~~consistency of the plan, policy or program with:~~

5 ~~—(1) The plans, policies and programs adopted or proposed to~~
6 ~~be adopted by the local air pollution control board and the regional~~
7 ~~transportation commission; and~~

8 ~~—(2) Plans for capital improvements that have been prepared~~
9 ~~pursuant to NRS 278.0226.}~~

10 3. If the program for control of air pollution established and
11 administered by the local air pollution control board includes
12 measures for the control of traffic or transportation, the regional
13 planning coalition shall consider recommending the use of
14 alternative land use designations, densities and design standards to
15 meet local and regional needs with respect to transportation.

16 4. ~~{Not more than once every 2 years, the regional planning~~
17 ~~coalition shall:~~

18 ~~—(a) Prepare a report that summarizes the policies related to land~~
19 ~~use, transportation and air quality which it has adopted and which~~
20 ~~the local air pollution control board and the regional transportation~~
21 ~~commission have adopted; and~~

22 ~~—(b) Submit a copy of the report to the:~~

23 ~~—(1) County clerk of the appropriate county;~~

24 ~~—(2) Division of Environmental Protection of the State~~
25 ~~Department of Conservation and Natural Resources;~~

26 ~~—(3) Division of State Lands of the State Department of~~
27 ~~Conservation and Natural Resources; and~~

28 ~~—(4) Department of Transportation.~~

29 ~~—5.}~~ As used in this section:

30 (a) “Local air pollution control board” means a board that
31 establishes a program for the control of air pollution pursuant to
32 NRS 445B.500.

33 (b) “Regional transportation commission” means a regional
34 transportation commission created and organized in accordance with
35 chapter 277A of NRS.

36 **Sec. 12.** NRS 278.02591 is hereby amended to read as
37 follows:

38 278.02591 1. A governing body may establish, independently
39 or in conjunction with another governing body, an analysis of the
40 cost to construct infrastructure in an area which is undeveloped land
41 and which is likely to become developed.

42 2. The analysis of the cost to construct infrastructure in an area
43 that is undeveloped land must include, without limitation:

44 (a) A precise description of the area, either in the form of a legal
45 description or by reference to roadways, lakes and waterways,



1 railroads or similar landmarks, and township, county or city
2 boundaries;

3 (b) An estimate of the expected total population of the area
4 when the land becomes fully developed;

5 (c) An assessment of the infrastructure that will be necessary to
6 support the area when it becomes fully developed according to the
7 master plan adopted by the governing body pursuant to NRS
8 278.220; and

9 (d) A plan for the development of the infrastructure which
10 includes, without limitation:

11 (1) Any minimum requirements for the development of
12 infrastructure that have been determined by the regional planning
13 coalition;

14 (2) A plan to meet the anticipated needs of the area for police
15 and fire protection, parks, roads, regional transportation and flood
16 control facilities when the land becomes fully developed;

17 (3) An estimate of the date on which each phase of the
18 development will occur;

19 (4) The manner in which the plan for the development of the
20 infrastructure will be implemented; and

21 (5) An economic analysis of the cost to plan and develop
22 fully the infrastructure for the area.

23 3. The governing body may, if it finds that the analysis of the
24 projected need for infrastructure is consistent with the master plan,
25 approve the analysis by ordinance.

26 ~~4. The governing body shall provide the necessary copies of~~
27 ~~the analysis to the regional planning coalition for review and~~
28 ~~information.]~~

29 **Sec. 13.** NRS 278.165 is hereby amended to read as follows:

30 278.165 1. A planning commission or governing body that is
31 required to prepare and adopt a master plan pursuant to the
32 provisions of this chapter shall develop and include in that plan an
33 aboveground utility plan as described in subsection 2. The
34 aboveground utility plan must:

35 (a) In a county whose population is 700,000 or more, conform
36 with the comprehensive regional policy plan developed pursuant to
37 NRS 278.02528 ~~H~~, **if any**; and

38 (b) In a county whose population is 100,000 or more but less
39 than 700,000, conform with the comprehensive regional plan
40 developed pursuant to NRS 278.0272.

41 2. An aboveground utility plan developed by a planning
42 commission or governing body pursuant to this section must:

43 (a) Provide a process for the designation of corridors for the
44 construction of aboveground utility projects;



(b) Be consistent with any transmission plan prepared by the Office of Energy;

(c) To ensure the continuity of transmission corridors, be consistent with the aboveground utility plan of each adjacent jurisdiction; and

(d) Be consistent with any resource management plan prepared by the Bureau of Land Management applicable to the jurisdiction of the planning commission or governing body, including, without limitation, by ensuring that the aboveground utility plan developed by the planning commission or governing body provides for connectivity between any noncontiguous transmission corridors identified in the plan prepared by the Bureau of Land Management.

3. In developing an aboveground utility plan, a planning commission or governing body shall:

(a) Cooperate with the Bureau of Land Management, the Office of Energy and the planning commission or governing body of each adjacent jurisdiction to ensure that the aboveground utility plan adopted by the planning commission or governing body is consistent with any resource management plan prepared by the Bureau of Land Management, any transmission plan adopted by the Office of Energy and the aboveground utility plan developed by the planning commission or governing body of each adjacent jurisdiction; and

(b) Submit a copy of the aboveground utility plan, including all maps and exhibits adopted as part of the plan, to the Public Utilities Commission of Nevada and the Office of Energy.

Sec. 14. NRS 445B.503 is hereby amended to read as follows:

445B.503 1. In addition to the duties set forth in NRS 445B.500, the local air pollution control board in a county whose population is 700,000 or more shall cooperate with ~~the regional planning coalition and~~ the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, a local air pollution control board shall ~~;~~

~~—(a) Consult~~ **consult** with ~~the regional planning coalition and~~ the regional transportation commission. ~~;~~ and

~~—(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:~~



~~— (1) The plans, policies and programs adopted or proposed to be adopted by the regional planning coalition and the regional transportation commission; and~~

~~— (2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.]~~

3. As used in this section:

(a) “Local air pollution control board” means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

~~(b) [“Regional planning coalition” has the meaning ascribed to it in NRS 278.0172.~~

~~— (c)]~~ “Regional transportation commission” means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 15. NRS 278.02587 is hereby repealed.

TEXT OF REPEALED SECTION

278.02587 Bus turnouts: Designation of locations for and funding of construction by regional transportation commission; construction pursuant to interlocal or cooperative agreement; technical advisory committee.

1. Not later than December 31, 2009:

(a) Except as otherwise provided in subsection 7, the commission shall designate 10 locations in the county that are owned by the State or by local governments and at which a bus turnout must be constructed pursuant to this section; and

(b) For each location designated pursuant to paragraph (a), the commission and the State or the local government that owns the location shall execute an interlocal or cooperative agreement that authorizes the construction of a bus turnout at the location.

2. For each location designated pursuant to subsection 1, the commission and the State or the local government that owns the location shall ensure that a bus turnout is constructed not later than December 31, 2012.

3. Not later than December 31, 2011:

(a) Except as otherwise provided in subsection 7, the commission shall designate 15 locations in the county that are owned by the State or by local governments and at which a bus turnout must be constructed pursuant to this section; and

(b) For each location designated pursuant to paragraph (a), the commission and the State or the local government that owns the



location shall execute an interlocal or cooperative agreement that authorizes the construction of a bus turnout at the location.

4. For each location designated pursuant to subsection 3, the commission and the State or the local government that owns the location shall ensure that a bus turnout is constructed not later than December 31, 2014.

5. The commission shall fund the construction of a bus turnout built pursuant to this section.

6. When determining the locations to be designated pursuant to subsection 1 or 3, the commission shall consider, without limitation:

(a) The amount of traffic congestion at the location during hours of peak traffic;

(b) The extent of improvements to the location that would need to be completed before the bus turnout could be constructed;

(c) The proximity of the location to an intersection;

(d) The frequency with which buses receive and discharge passengers at the location;

(e) The number of bus passengers regularly using the bus stop at the location;

(f) The general need for a bus turnout at the location; and

(g) Any obstacle that may prevent the completion of the construction of a bus turnout by the date set forth in subsection 2 or 4, as applicable.

7. The commission shall not designate more than three locations pursuant to subsection 1 or 3 that are owned by the State or by the same local government.

8. The commission shall establish a technical advisory committee which shall:

(a) As soon as practicable after the locations have been designated pursuant to subsection 3 and before the development of construction plans for the bus turnouts, meet with all utility companies and franchise holders whose utilities or facilities may be impacted by a bus turnout constructed pursuant to that subsection. Such meetings may include visits to the designated locations.

(b) Work in a cooperative manner with the affected utilities and franchise holders to minimize the total cost for the placement or relocation of the affected utility or facility.

9. As used in this section:

(a) “Bus” has the meaning ascribed to it in NRS 484A.030.

(b) “Bus turnout” means a fixed area that is:

(1) Adjacent or appurtenant to, or within reasonable proximity of, a public highway; and

(2) To be occupied exclusively by buses in receiving or discharging passengers.



(c) “Commission” means the regional transportation commission created and organized pursuant to chapter 277A of NRS in a county whose population is 700,000 or more.

(d) “Local government” means any political subdivision of the State, including, without limitation, any county, city, town, board, airport authority, fire protection district, irrigation district, school district, hospital district or other special district which performs a governmental function and which is located within the jurisdiction of the commission.

(e) “Location” means a parcel of real property which:

(1) Is owned by the State or by a local government;

(2) Is adjacent to a public highway; and

(3) Contains a bench, shelter or transit stop for passengers of public transportation.

(f) “Public highway” means any street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public as a matter of right for the purpose of vehicular traffic.

